

out and distinctly claim the subject matter which Applicant regards as the invention. Claims 42 and 43 have been amended to overcome the stated ground of rejection and to remove reference to "seed" in describing grain.

Claims 42 and 43 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 4,411,325 (Hamilton) in view of United States Patent 5,199,518 (Woodle).

Specifically, the Examiner reasons as follows:

Hamilton discloses a device comprising a frame and hopper, with a support joined to opposed sides of the frame and to spaced apart locations of the hopper (each corner of the structure 10, with weight sensing devices which sense a weight of seed grain in the hopper transferred through the support to the frame and provides a display 16 coupled to the output for displaying the sensed weight of the seed grain in the hopper. The examiner notes that in col 2 lines 54-61, Hamilton discloses that the support structure is a hopper that carries grain. Therefore, it would have been obvious to use the device of Hamilton with a grain drill since a grain drill is a device which includes a hopper attached to a frame that carries grain. Additionally, it is important in the planting art to determine how much grain is in the hopper of a grain drill, and when the grain drill hopper is empty or near empty. The device of Hamilton would provide such desired information.

Concerning claim 43 the claimed method steps would be obvious in modifying a grain drill as disclosed by Hamilton.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the device of Hamilton by supporting the load cells on a support comprising a pair of weight bearing supports as taught by Woodle since such is a known load cell mounting configuration. It also would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the device of Hamilton by using it with a grain drill since a grain

drill is a device which inherently uses a frame mounted hopper, and Hamilton's device is designed to be used with frame mounted hoppers as taught by Hamilton. Additionally, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to modify the device of Hamilton by using it with a grain drill so that the operator can determine when the hopper is empty or near empty.

This ground of rejection is traversed for the following reasons.

Claims 42 and 43 recite a first rigid attachment attached to a different one of the opposed sides of the frame and a second rigid attachment. There is at least one weight sensing device is recited as comprising first and second load cells attaching the first and second attachments together and being loaded with weight attached from the first rigid attachment through the first and second load cells to the second rigid attachment. The first rigid attachments cover generically the first and second vertical parts 72 and 74 and the second rigid attachment generically covers the horizontal parts 76.

Hamilton, while disclosing load cells, as illustrated in Fig. 2, does not disclose the claimed subject matter which includes the first and second rigid attachments and the first and second load cells which attach the first and second attachments together with the first and second load cells being loaded with the weight transferred from the first rigid attachment through the first and second load cells to the second rigid attachment. Instead, Hamilton relies upon strain gauges 40, 42, 44, and 46 which are attached to load bar 20 which sensed deflection

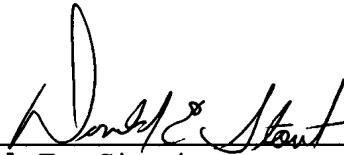
thereof. Thus, the strain gauges of Hamilton correspond to the claimed load cell but do not attach the first and second rigid attachments together and further are not loaded with weight transferred from the first rigid attachment through the first and second load cells to the second rigid attachment. The citation of Woodle, while disclosing a load cell, will not cure the aforementioned deficiencies in that the disclosed load cell does not suggest or would not lead a person of ordinary skill in the art to modify Hamilton to arrive at the subject matter of claims 42 and 43. Accordingly, it is submitted that claims 42 and 43 are patentable.

The indication of the allowance of claims 44 and 45 is noted with appreciation which were submitted as required by the Examiner for purposes of interference with new claim 44 being a claim which was required to be copied by the Examiner and new claim 45 being added to provide additional coverage for purposes of interference which is broader than claim 44. In accordance with 37 C.F.R. §1.605(b), it is requested that the Examiner forthwith terminate *ex parte* proceedings in the application by allowing claims 42 and 43. In any event, if the Examiner does not allow claims 42 and 43 in response to the present Amendment, it is requested that *ex parte* prosecution be stayed pending a determination of whether an interference will be declared as required by 37 C.F.R. §1.605(b).

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (755.35259CX1), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in cursive script, appearing to read "Donald E. Stout", is written over a horizontal line.

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